

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicant's Claim for Priority and receipt of the certified copy of the priority document, and for the acknowledgment of Applicant's Information Disclosure Statement by return of the Form PTO-1449.

Claims 1-5 are currently pending. Applicant respectfully requests reconsideration of the outstanding rejection and allowance of claims 1-5 in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by MORENO (U.S. Patent No. 5,835,188).

However, Applicant notes that the MORENO patent fails to show each and every element recited in the claim. In particular, claim 1 sets forth an eye training device including, inter alia, "two or more irritation generators provided around user's eyes to allow the user to perceive the irritating positions, wherein: the irritation generators are activated one by one to have the user turn his line of vision toward an irritating position, so that the user can train his eye muscles without actually viewing any target object with the eyes being opened".

Applicant's claimed eye training device includes a body 1 having a plurality of contact pieces 2a - 2j. The contact pieces 2 contact the user's face. See figure 1 and page 6, line 22 through page 7, line 4. Each contact piece 2 includes an irritation generator. The eye training device of the present invention allows a user to regain or improve eye muscle strength through exercise of the eye muscles. The eye muscles are exercised by

having a user move his eyes according to the irritation generators. The present invention also aids in improving a user's visual field, for improvement in playing sports. Further, the eye training device of the present invention trains the user's eyes without bringing discomfort to the user. Since no target object is viewed by the user, the present invention may be used with the eyes closed. Accordingly, prolonged or frequent use will not cause dry eyes and accompanying pain from dry eyes. Further, since no target object is viewed by the user, the present invention may be used effectively and comfortably by users that have presbyopia or farsightedness or for other reasons may not be able to focus on a close object or target. See pages 3-4 of the specification. Additionally, in the present invention, in an embodiment having a heater, the heater can provide comfort to the user. In this regard, the warm heat irritation generator directly transmits comfortable heat to the skin, so that training is comfortable. See page 13, lines 2-4 of the present specification.

The eye training device of the present invention operates in the following manner, with reference to figures 3-6 of the drawings. The body 1 is placed on the face of the user, with the contact pieces 2a-2j touching the user's face. Thus, the contact pieces with the irritation generators therein contact the user's face and head. Consequently, the user cannot see the contact pieces nor the irritation generators, and there is no target object. The contact pieces 2a-2j are alternately activated. As a particular contact piece, for example 2a, is activated, irritation is generated on the user's skin. The irritation will be caused by the particular irritation generator, such as a pressure generator, a vibration generator, a heater, or a weak current generator. As the irritation is generated on the user's skin, the user moves his eyes toward the source of the irritation. For example, when the contact piece 2a is activated, the user's eyes move to aim in the direction of

contact piece 2a; when the contact piece 2b is activated, the user's eyes move to aim in the direction of contact piece 2b; and et cetera through contact piece 2j. However, as noted above, the user cannot actually view the contact piece, the user only moves his eyes in the direction of the irritation. In this manner, the user's eyes move to aim upwardly, downwardly, side to side, and obliquely, strengthening the user's eye muscles.

The present invention is directed to an eye training device including two or more irritation generators provided around the user's eyes to allow the user to perceive the irritating position, wherein the irritation generators are activated one by one to induce the user to turn his line of vision toward the irritating position, so that the user can train his eye muscles without actually viewing any target object with the eyes being opened. The present invention differs greatly from the MORENO device and operation.

The MORENO patent discloses an eye exercising device including the ten light emitting diodes (LED's) L1-L10 as light sources mounted on a dish shaped wall 12. See particularly figures 1 and 2. The LED's L1-L10 are positioned on the device for the user to see. In fact, the user must see the LED's L1-L10 for the device to operate properly. In this regard, the LED's are sequentially turned on and off, and the user looks at and views each LED as it is lighted. Thus, the LED's are target objects for the user to view; and the MORENO device includes target objects. Accordingly, the user's eyes are thus exercised.

The MORENO device does not include irritation generators. The LED's are light sources that the user views during operation of the device and eye exercise. There is no disclosure that the LED's will generate irritation in the user, nor has the Examiner proffered any reason to believe that the LED's in the MORENO device would generate

irritation such that the LED's could fairly be read as irritation generators, particularly since the LED's do not contact the user's body.

Further, as clearly shown in the figures and as described in the specification, the LED's L1-L10 are spaced a distance away from the user's face and head. In this regard, please note that the LED's are mounted on the wall 12, which is mounted on the forehead support 18 and chin support 24. Only the forehead seat 23 and the chin seat 29 contact the face or head of the user. Clearly, the LED's do not contact the face or head of the user. Moreover, since the LED's must be seen for the MORENO device to operate, the MORENO device could not be constructed nor applied to the user's face such that the LED's would contact the user's face or head. In other words, in the MORENO device, the LED's could not contact the user's skin.

Further, and as pointed out by the Examiner at the top of page 3 of the Official Action, the MORENO patent specifically discloses that "[t]he person using this invention must move his eyes to focus them on the light source that turns on sequentially" (abstract). Further, in column 1, lines 59-62, MORENO discloses that "[b]y locating said light sources near the edge of said dish shaped wall, the light emitted by said light sources are aimed toward the viewer eyes"; and in column 2, lines 19-20 that "[t]he person using this invention must move his eyes to focus them on the light source that turns on sequentially". Clearly, then, the light sources are in the line of vision of the user, and the user of the MORENO device views the light sources during eye exercise. Thus, the LED's comprise target objects viewed by the user. Accordingly, the MORENO device is not operated such that the eyes may be exercised without viewing a target

object. In fact, the MORENO device could not operate at all if the user could not view the LED's. Nor could the MORENO device operate if the user closed his eyes.

Thus, the MORENO patent does not show an eye training device including, inter alia, "two or more irritation generators provided around user's eyes to allow the user to perceive the irritating positions, wherein: the irritation generators are activated one by one to have the user turn his line of vision toward an irritating position, so that the user can train his eye muscles without actually viewing any target object with the eyes being opened", as set forth in claim 1. Since the reference fails to show each and every element of the claimed device, the rejection of claim 1 under 35 U.S.C. § 102(b) over MORENO is improper and withdrawal thereof is respectfully requested.

Claims 2-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over MORENO.

However, Applicant notes that the MORENO patent fails to teach or suggest the subject matter claimed, including, inter alia, "two or more irritation generators provided around user's eyes to allow the user to perceive the irritating positions, wherein: the irritation generators are activated one by one to have the user turn his line of vision toward an irritating position, so that the user can train his eye muscles without actually viewing any target object with the eyes being opened", as set forth in independent claim 1, as described above. Therefore, even if one were led to make the modification asserted by the Examiner, the claimed combination would not result.

Further, Applicant notes that MORENO fails to teach or suggest the subject matter claimed in claims 2-5. In particular, dependent claim 2 sets forth an eye training device including irritation generators, inter alia, "wherein the irritation generator is a

pressure generator”. Dependent claim 3 sets forth an eye training device including irritation generators, inter alia, “wherein the irritation generator is a vibration generator”. Dependent claim 4 sets forth an eye training device including irritation generators, inter alia, “wherein the irritation generator is a heater”. Dependent claim 5 sets forth an eye training device including irritation generators, inter alia, “wherein the irritation generator is a weak-current generator”.

However, the LED’s of MORENO are light sources that are viewed by the user in order to direct the eye toward the LED. In other words, the user looks toward the target objects comprising the light sources. The Examiner has concluded that modifying the MORENO device to include a pressure generator, vibration generator, heater, or weak current generator would have been obvious to one having ordinary skill in the art for the purpose of varying the way in which the eye muscle is stimulated. However, Applicant submits that nothing in the applied prior art teaches or suggests the claimed combination including a pressure generator, a vibration generator, a heater, or a weak current generator. In fact, modifying the MORENO device to include anything (i.e., a pressure generator, a vibration generator, a heater, or a weak current generator) except a light source would completely disable the MORENO device. In this regard, in the MORENO device, the user must be able to view the target object (i.e., the LED’s) to know to move his eyes toward the target object. Since pressure, vibration, heat, and a weak current cannot be seen, the viewer would not know to move his eyes. Moreover, since the target objects of MORENO are spaced from the user’s face and head, the user would not even be able to sense the pressure, vibration, heat, or weak current. Consequently, the modification suggested by the Examiner would completely destroy the MORENO

reference. Accordingly, Applicant submits that a factual basis for the rejection has not been established and thus a prima facie case of obviousness has not been established, and that rejection of claims 2-5 under 35 U.S.C. § 103(a) over MORENO can only result from a review of Applicant's disclosure and the application of impermissible hindsight. Accordingly, the rejection of claims 2-5 under 35 U.S.C. § 103(a) over MORENO is improper for all the above reasons and withdrawal thereof is respectfully requested.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection, and an early indication of the allowance of claims 1-5.

SUMMARY AND CONCLUSION

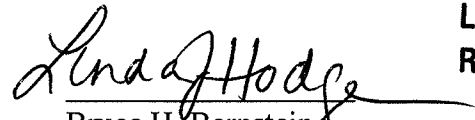
In view of the foregoing, it is submitted that the present response is proper and that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicant's invention as recited in claims 1-5. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, consideration of the present response, reconsideration of the outstanding Official Action, and allowance of all of the claims in the present application are respectfully requested and now believed to be appropriate.

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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A handwritten signature in cursive script, appearing to read "Linda J. Hodge", is written over a horizontal line.

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